



**REGULAR CITY COUNCIL MEETING
FRISCO CITY HALL
GEORGE A. PUREFOY MUNICIPAL CENTER
COUNCIL CHAMBERS
6101 FRISCO SQUARE BLVD.
FRISCO, TEXAS 75034**

5:30 PM

WEDNESDAY, OCTOBER 08, 2008

MINUTES

CALL TO ORDER

Mayor Maso called the meeting to order at 5:33 p.m. and announced a quorum was present. The meeting was duly posted and called in a timely manner.

Representing Council were: Mayor Maso, Mayor Pro Tem Felker, Council member Johnson, Council member Cheney, Council member Prince and Council member Crowder.

Representing staff were: City Manager, George Purefoy; Deputy City Manager, Henry Hill; Assistant City Manager, Nell Lange; Assistant City Manager, Ron Patterson; Assistant to the City Manager, Amy Gill; Downtown Merchants Coordinator, Janet Maccubbin; Director of Engineering Services, Cissy Sylo; Contract Administrator for Engineering Services, Ben Brezina; Fire Chief, Mack Borchardt; Assistant Director of Library Services, Shelly Holly; Development Coordinator, Scott Ingalls; Police Chief, Todd Renshaw; City Attorney, Richard Abernathy and Sr. Administrative Assistant Estela Barrera

CLOSED SESSION

Council member Johnson moved to recess into Closed Session. Council member Cheney seconded the motion. Motion carried.

Vote: 5:0.

Mayor Maso announced the Council was in Closed Session at 5:34 p.m. as authorized by Section 551.001 *et. seq*, to wit:

1. Recess into Closed Session in compliance with Section 551.001 *et. seq*. Texas

Government Code, to wit;

- A. Section 551.071. Meeting with City Attorney regarding a matter(s) in which the duty of the City Attorney under the Texas Disciplinary rules of Professional Conduct of the State Bar of Texas conflicts with the Open Meetings Act regarding:
 - i. Potential litigation with TRC and/or Greystar regarding the Eldorado Pump Station.
 - ii. Legal issues regarding housing concerns raised by Inclusive Communities Project, Inc.
 - B. Section 551.072. To deliberate the purchase, exchange, lease or value or real property located:
 - i. South of US 380, North of Lebanon Road, East of FM 423, and West of Hillcrest Road.
 - C. Section 551.087. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.
 - D. Section 551.074. Evaluation of Municipal Judge.
2. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.

Council member Cheney moved to reconvene into Regular Session at 6:40 p.m. Council member Crowder seconded the motion. Motion carried.

Vote: 6:0.

Mayor Maso announced there was no action taken as a result of the Closed Session.

Deputy Mayor Pro Tem Joy West arrived in time for executive session.

INVOCATION

Council member Prince led the invocation.

PLEDGE OF ALLEGIANCE

Girl Scout Troop No. 195, fifth graders at Sparks Elementary, led the audience in the Pledge of Allegiance and the Texas Pledge of Allegiance.

Members in attendance were: Kelsey Bouma, Rachel Cleveland, Camaryn Kochan, Catherine Sannicolas, Gabrielle Tang and Kamryn Weber. Also in attendance were: Leaders Laura Sannicolas and Liz Metting.

To accommodate flight schedule of guest from CAPP, Council moved to agenda item 35.

REPORTS

3. Public Library Monthly Report

Shelley Holley, Assistant Library Director

4. Parks and Recreation Department Monthly Report

Rick Wieland presented Award from NRPA for the facility design of Frisco Commons Park.

Chief Renshaw presented information regarding the National Night Out Battle of the Badges Blood Drive and the success in raising 216 pints of blood for the blood bank.

Chief Renshaw presented the Second Place Award for the Second Annual Basketball Game between the Police and Fire Departments to Chief Borchardt. Chief Borchardt presented the First Place Award to Chief Renshaw.

5. Engineering Services Department Monthly Report

Cissy Sylo, Director of Engineering

CITIZEN INPUT (to begin approximately at 7:30 p.m.)

There was no one present for Citizen Input.

CONSENT AGENDA

The Consent Agenda was considered for approval.

Council member Prince moved to **pull Item 13**. Mayor Pro Tem Felker seconded the motion. Motion carried. Vote: 5:0.

This item will be considered after consultation with attorneys in executive session later in the meeting.

Deputy Mayor Pro Tem West moved to approve Consent Agenda Items 6 -12 and 14 - 32 as submitted. Mayor Pro Tem Felker seconded the motion. Motion carried. Vote: 5:0.

(Items placed on the Consent Agenda are considered routine in nature and are considered non-controversial. The Consent Agenda can be acted upon in one motion. A majority of the Council is required to remove any item for discussion and separate action. Council members may vote nay on any single item without comment and may submit written comments as part of the official record.)

6. Consider and act upon approval of the Minutes from the September 15, 2008 Regular City Council Meeting. (CSO)

7. Consider and act upon approval of a Resolution authorizing the City Manager to

execute an Agreement by and between the City of Frisco and JBI Partners, Inc. for Landscape Architectural Design Services for Duncan Park Renovations and Improvements. (Parks and Recreation)

Resolution No. 08-10-212R

8. Consider and Act Upon a Resolution Authorizing the City Manager or His Designee to Execute an Agreement Between the City of Frisco and the Frisco Association for the Arts. (Finance)

Resolution No. 08-10-213R

9. Consider and act upon approval of a Resolution authorizing the City Manager to execute Amendment Number 4 to the Professional Services Agreement by and between the City of Frisco and Wier and Associates, Inc. to perform additional services for the design of Eldorado Parkway paving, drainage and bridge improvements, Phase I and II (Dallas North Tollway to Preston Road). (Engineering)

Resolution No. 08-10-214R

10. Consider and act upon a Resolution ratifying the City Manager's execution of a Development Agreement with Darling Frisco Partners, LTD, arranging for the construction of turn lanes in conjunction with TxDOT's construction of Eldorado Parkway improvements (FM 423 to Dallas North Tollway) and the City's construction of a traffic signal at the median opening for Lenox Lane. (Engineering)

Resolution No. 08-10-215R

11. Consider and act upon a Resolution ratifying the City Manager's execution of a Development Agreement with WD Eldorado & Tollway, L.P., arranging for the construction of turn lanes in conjunction with TxDOT's construction of Eldorado Parkway improvements (FM 423 to Dallas North Tollway) and the City's construction of a traffic signal at the median opening for Eldorado Market Place. (Engineering)

Resolution No. 08-10-216R

12. Consider and act upon adoption of a Resolution rescinding Change Order #2, approved by City Council on August 8, 2007, and authorizing the City Manager to execute Change Order Number 2R to the Standard Form of Agreement for Construction Services by and between the City of Frisco and CB&I Constructors, Inc. decreasing the contract cost relating to the construction of the Southwest and Northwest Elevated Water Storage Tanks. (Engineering)

Resolution No. 08-10-217R

13. Consider and act upon award of Bid Number 0808-068 Competitive Sealed Proposal to Gracon Construction Inc. of Mesquite, Texas and adoption of a Resolution authorizing the City Manager to execute a Contract Agreement for Construction Services for the Remediation of Existing Eldorado/BNSF Pump Station Deficiencies. (Engineering)

No further discussion, Mayor Pro Tem Felker moved to approve **Resolution No. 08-10-218R** subject to reaching agreement with original contractor. Deputy Mayor Pro Tem West seconded the motion. Motion carried. Vote: 5:0.

14. Consider and act upon approval of a purchase order to 3M Company for the purchase of Sign Sheeting Type IV & XI to be used by Traffic Division during the fiscal year 2009. (Engineering)
15. Consider and act upon authorization for the City Manager to execute Change Order Number 1 to the Standard Form of Agreement for Construction Services by and between the City of Frisco and SMB Enterprises, Inc. for the construction of FM 2934 Water Relocations. (FM 423 to Dallas Parkway). (Engineering)
16. Consider and act upon authorization for the City Manager to execute Change Order Number 1 to the Standard Form Agreement for Construction Services by and between the City of Frisco and Dowager Utility Construction, Ltd. for additional services relating to the construction of the Preston Manor Sanitary Sewer Replacement. (Engineering)
17. Consider and act upon approval of a Resolution of the City Council of the City of Frisco, Texas hereby authorizing the City Manager of the City of Frisco, Texas to execute an Agreement by and between the City of Frisco and the Texas Department of Transportation wherein the Texas Department of Transportation will provide funds for a Selective Traffic Enforcement Program (STEP) Wave Grant and providing an effective date. (Police)

Resolution No. 08-10-219R

18. Consider and act upon award of bid #0806-061, annual contract for Custodial Services, to Initial Building Maintenance Services, Inc. d/b/a International Building Services, and Approval of Resolution Authorizing the City Manager to execute the agreement. (Facilities)

Resolution No. 08-10-220R

19. Consider and act upon approval of a purchase order with Brodart Company, for

the purchase of Library books during the 2009 fiscal year. (Library)

20. Consider and act upon approval of purchase orders with Book Wholesalers Incorporated, for the purchase of Library materials during the 2009 fiscal year. (Library)
21. Consider and act upon approval of an Interlocal Cooperation Agreement by and between the City of Frisco and Denton County for library services and adoption of a Resolution authorizing the City Manager to execute the Agreement. (Library)

Resolution No. 08-10-221R

22. Consider and act upon a Resolution of the City Council of the City of Frisco, Texas hereby ratifying actions of the City Manager of the City of Frisco, Texas in executing an Interlocal Agreement by and between the City of Frisco and the North Central Texas Council of Governments for E9-1-1 service, equipment, addressing and database maintenance. (Fire)

Resolution No. 08-10-222R

23. Consider and act upon approval of a purchase order with EMS Biocare, for Medical Control and Continuing Education during the 2009 fiscal year. (Fire)
24. Consider and act upon approval of a purchase order to Hall-Mark Fire Apparatus, Inc. for the purchase of parts and service for the Frisco Fire Department's E-One fire trucks during the 2009 fiscal year. (Fire)
25. Consider and act upon approval of a purchase order to Southwest General Services of Dallas, LLC for EMS billing and collections. (Fire)
26. Consider and act upon approval of a purchase order to Gray's Wholesale Tire for the purchase of tires for Fleet Services and the Fire Department during the fiscal year 2009. (Fire & Public Works)
27. Consider and act upon approval of purchase orders with Napa Auto Parts, for the purchase of miscellaneous vehicle maintenance and repair parts during the 2009 fiscal year. (Fire & Public Works)
28. Consider and act upon approval of a purchase order to Ergon Asphalt and Emulsions, Inc. for emulsified asphalt material during the fiscal year 2009. (Public Works)
29. Consider and act upon approval of an interlocal purchasing agreement renewal by and between the City of Frisco and Collin County to allow Collin County to purchase fleet fuel from the City of Frisco, and adoption of a resolution

authorizing the City Manager to sign this agreement. (Public Works)

Resolution No. 08-10-223R

30. Consider and act upon approval of a purchase order to Vulcan Signs for the purchase of sign blades and blanks to be used by Traffic Division during the fiscal year 2009. (Public Works)
31. Consider and act upon adoption of a Resolution authorizing the City Manager to execute the Advance funding Agreement by and between the City of Frisco and the Texas Department of Transportation to provide funding for the construction of left turn lanes on FM 2478 (Custer Road) from Stonebridge to US 380. (Engineering)

Resolution No. 08-10-224R

32. Consider and Act Upon a Resolution Authorizing the City Manager or His Designee to Execute an Agreement with Illumimax, LLC for the design and operation of the computer animated holiday lighting show. (CMO/NL)

Resolution No. 08-10-225R

LEGISLATIVE AGENDA

The Legislative Agenda was considered for approval. Deputy Mayor Pro Tem West moved to approve the Legislative Agenda as submitted. Council member Crowder seconded the motion. Motion carried. Vote: 5:0.

(These items may legally require Council Action, but by Council Policy should be the City Manager's responsibility. The Legislative Agenda can be acted upon in one motion. The concurrence of two council members is required to remove any item for separate discussion and action. Council members may vote nay on any single item without comment and may submit written comments as part of the official record.)

33. Consider and act upon adoption of an Ordinance granting a Specific Use Permit for an Assisted Care Facility on two lots on 6.7± acres on east side of Legacy Drive, 645± feet north of Stonebriar Way. Zoned Planned Development-32-Garden Office. Neighborhood #34. Specific Use Permit SUP08-0008. (Planning & Development Services)

Ordinance No. 08-10-93

34. Consider and act upon an Amendment to Ordinance 08-09-78 to establish Reduced Speed School Zones on identified streets within the City of Frisco. (Engineering)

Ordinance No. 08-10-94

REGULAR AGENDA

35. Discussion regarding CAPP long-term power contract. (CMO/AG)

Assistant to the City Manager, Amy Gill introduced Geoffrey Gay, counsel to CAPP, to give presentation regarding the CAPP Long-Term Contract.

Mayor Pro Tem Felker left the dais at 7:25 p.m.

Council member Johnson left the meeting at 7:31 p.m.

Mayor Pro Tem Felker returned to the dais at 7:40 p.m.

Discussion only, no action taken.

Return to Citizen Input.

36. Consider and act upon approval of special cost adjustments for *Community Waste Disposal (CWD)* under contract for Residential Solid Waste, Recycling, Yard Waste and Debris Collection Services; and *Champion Waste Services* under contract for Commercial Construction Debris Services to address increases in fuel and disposal costs. (CMO/HJH)

Deputy City Manager, Henry Hill presented information regarding approval of special cost adjustments for agreements between the City of Frisco and Community Waste Disposal and Champion Waste Services to address increases in fuel and disposal costs.

Greg Roemer with Community Waste Disposal answered questions as to why they have requested the fuel increase.

Jody McCord with Champion answered questions as to why they decided to request the increase and their hesitation in requesting the additional funds.

Following discussion, Council member Prince moved to accept a 60% increase of staff's recommendation to CWD and Champion Waste Services. Mayor Pro Tem Felker seconded the motion. Motion failed. Vote: 2:3

Voting Nay were: Deputy Mayor Pro Tem West, Council member Cheney, Council member Crowder.

Deputy Mayor Pro Tem West motioned to deny the request. Council member Cheney seconded the motion. Motion carried. Vote 3:2.

Voting Nay were: Mayor Pro Tem Felker and Council member Prince.

Mr. Hill asked Council to consider the extra charge for recycling which was allowed for by the contract. Staff recommended the additional charge be retroactive to August. Mayor Pro Tem Felker made a motion to accept the additional charge as recommended by staff. Council member Crowder seconded the motion. Motioned carried. Vote 5:0

37. Consider and act upon the appointment of one (1) Board Member to the Convention & Visitors Bureau, representing the following sector: one (1) “Ex-Officio” Representative. This is for a one (1) year term. (CMO/GP)

Mayor Pro Tem Felker moved to open the nominations. Council member Prince seconded the motion. Motion carried. Vote: 5:0.

Mayor Pro Tem Felker nominated Chris Johnson for “Ex-Officio” Representative. Council member Prince nominated Craig Maccubbin.

Deputy Mayor Pro Tem West moved to close the nominations. Mayor Pro Tem Felker seconded the motion. Vote: 5:0.

Chris Johnson was appointed as the “Ex-Officio” Representative for the Convention & Visitors Bureau for a one (1) year term by acclamation.

38. Consider and act upon approval of the development plan for the George A. Purefoy Municipal Center Parking Garage. (Engineering)

Ben Brezina, Contract Administrator for Engineering Services, presented information regarding the development plan for the George A. Purefoy Municipal Center Parking Garage.

Tim Crystal, Senior Vice President for Carl Walker, Inc. presented information on current schematic plan and also the proposed site plan.

After discussion, Council member Prince moved to **Table Item 38** until the first meeting in November. Mayor Pro Tem Felker seconded the motion. Motion carried. Vote: 4:1.

Voting Nay: Council member Crowder.

39. Direction regarding implementation of the Storm Water Utility and associated fee to fund state mandated Phase II Municipal Separate Storm Sewer System (MS4) requirements. (Engineering)

Cissy Sylo, Director of Engineering Services, presented information regarding the implementation of the Storm Water Utility and associated fee to fund state mandated Phase II Municipal Separate Storm Sewer System (MS4) requirements.

Council directed staff to move forward with a public hearing on the Item 39.

40. Consider and act upon an Interlocal Agreement and a Real Property Exchange Agreement by and between the City of Frisco and Frisco Independent School District for the exchange of various City and FISD properties. (CMO/HJH)

Deputy City Manager, Henry Hill presented information regarding an Interlocal Agreement and a Real Property Exchange Agreement by and between the City of Frisco and Frisco Independent School District for the exchange of various City and FISD properties.

Following discussion, Council member Prince moved to adopt **Resolution No. 08-10-226R** approving the agreement and the exchange of the Properties. Council member Cheney seconded the motion. Motion carried. Vote: 5:0.

41. Consider and act upon acceptance of a Local Political Subdivision Grant Agreement between the City of Frisco and the Inclusive Communities Project and authorize the City Manager to execute the agreement. (CMO/JM)

Janet Maccubbin presented information regarding Local Political Subdivision Grant Agreement between the City of Frisco and the Inclusive Communities Project. Ms. Maccubbin pointed out there were two minor changes to the Agreement.

Mayor Pro Tem Felker moved to approve **Resolution No. 08-10-227R** with the noted changes. Council member Cheney seconded the motion. Motion carried. Vote: 5:0.

42. Discussion regarding the Water Tower Site located at the southwest corner of Preston Road and FM 720. (CMO)

Staff requested Item 42 be tabled.

Deputy Mayor Pro Tem West moved to **Table Item 42**. Council member Cheney seconded the motion.

Deputy Mayor Pro Tem West moved to recess into Closed Session. Council member Prince seconded the motion. Motion carried. Vote: 5:0.

Mayor Maso announced the Council was in Closed Session at 10:01 p.m.

Deputy Mayor Pro Tem West moved to reconvene into Regular Session at 11:16 p.m. Council member Crowder seconded the motion. Motion carried. Vote: 5:0.

Mayor Maso announced there was no action taken as a result of the Closed Session

Moved back to Consent Agenda Item 13.

- 43. Consider and act upon whether to direct staff to submit a written notice of appeal on behalf of the City Council to Planning and Development Services, pursuant to Article IV, Section 1.07(C) of the Comprehensive Zoning Ordinance and/or Section 4.05 of the Subdivision Regulation Ordinance, regarding action taken by the Planning and Zoning Commission on any site plan or plat. Any written notice of appeal must be submitted to Planning and Development Services. (Planning and Development Services)**

No Appeals.

- 44. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda.**

Council Member Prince requested information on new budget.
Parking garage information to be provided for next months meeting.
Additional information regarding the Long Term Power Contract with CAPP.

- 45. Discussion on Governance Monitoring of present City Council Meeting.**

Mayor Maso gave the Council a solid B.

ADJOURN

Council member Cheney moved to adjourn the meeting. Council member Crowder seconded the motion. Motion carried. Vote: 5:0.

There being no additional business, the meeting was adjourned at 11:20 p.m.

Maher Maso, Mayor

ATTEST:

Ron Patterson, Interim City Secretary